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**FISCAL IMPACT STATEMENT**

**LS 6543**

**BILL NUMBER: SB 116**

**NOTE PREPARED: Dec 4, 2004**

**BILL AMENDED:**

**SUBJECT:** Sex Offender Penalties.

**FIRST AUTHOR:** Sen. Zakas

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill has the following provisions:

- A.     It requires the jury to determine whether a person is a repeat sexual offender if the person was tried by a jury.
- B.     It specifies that the court must determine whether a person is a repeat sexual offender if the person received a bench trial or pleaded guilty.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill could result in a potential increase in jury costs of \$480 per day. Under current law, a defendant who is determined in court to be a repeat sexual offender may be sentenced to an additional term of incarceration that may not exceed 10 years. The initial trial may be decided by either a jury or by the judge. However, in the second hearing to determine whether a person is a repeat sexual offender, only the judge may conduct the hearing and make the determination.

Under this bill, if a jury made the initial determination that the defendant committed the underlying crime, then the jury would be required to reconvene to hear evidence and make a determination whether the defendant should be given the additional sentence. If the judge made the initial determination or if the defendant entered

a guilty plea, then the judge would conduct the second hearing.

Any added costs to the counties where these cases are held would depend on whether the defendant's hearing was tried before a jury or before a judge. If the hearing was before a jury, then the jury would determine whether the defendant should receive the enhanced repeat sexual offender sentence.

Under IC 35-37-1-1, 12 qualified jurors are needed for Class A, B, or C felonies. Under IC 33-37-10-1, members of a jury are entitled to \$40 for each day the juror is in actual attendance. Consequently, the added costs for counties would be \$480 each day that a 12-member jury is in session.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Circuit and superior courts with criminal jurisdictions.

**Information Sources:** IC 35-37-1-1; IC 33-37-10-1.

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